

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Jean Bookout; Charles Schwarz,)
individually and as Personal)
Representative of the Estate of)
Barbara Schwarz, deceased;)
Richard Forrester Brandt, as)
Personal Representative of the)
Estate of Barbara Schwarz,)
deceased,)
Plaintiffs,)
vs) CJ-2008-7969
Toyota Motor Corporation; Toyota)
Motor Sales, U.S.A., Inc.;)
Toyota Motor Engineering and)
Manufacturing North America,)
Inc.; Aisan Industry Co., Ltd.,)
Defendants.)

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TRANSCRIPT OF PROCEEDINGS

HAD ON THE 7TH DAY OF OCTOBER, 2013

AFTERNOON SESSION

BEFORE THE HONORABLE PATRICIA G. PARRISH

DISTRICT JUDGE

Reported by: Kim Lewin, CSR

APPEARANCES:

For the Plaintiffs:

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1 (RECESS TAKEN. WITH ALL PARTIES PRESENT, THE
2 FOLLOWING PROCEEDINGS WERE HAD WITHIN THE HEARING OF THE
3 JURY.)

4 THE COURT: We are back on the record in
5 CJ-2008-7969. The members of the jury are present as
6 well as the counsel and their clients. I think when we
7 left off, Mr. Garcia, we were with you and you were going
8 to tell us what you do for a living?

9 JUROR GARCIA: I'm retired General Motors
10 employee. My wife works at Tinker as a budget analyst.
11 I have two sons. One is a security officer at Integris
12 and works as a mechanic at Firestone. The other one is
13 tattoo artist in Colorado Springs, Colorado.

14 THE COURT: Thank you very much.

15 Mr. McPherson?

16 JUROR MCPHERSON: Yes, I'm Mike McPherson, I'm
17 a licensed professional counselor. I'm a clinical
18 director for an agency, private practice also. My wife
19 is a paralegal. Got two children, my older son is a
20 project manager and also runs a small business, and
21 daughter in journalism at the University of Central
22 Oklahoma.

23 THE COURT: And who does your wife work for.

24 JUROR MCPHERSON: I'm trying remember their
25 names.

1 THE COURT: Okay, do you remember even one
2 attorney in the firm? Do you know what a type of law
3 they practice?

4 JUROR MCPHERSON: At this time they are
5 practicing oil and gas.

6 THE COURT: Oil and gas law. All right. If
7 you happen to think of the name later, you can just let
8 me know. Okay?

9 Mr. Sperling.

10 JUROR SPERLING: Yes, Eric Sperling, I am the
11 senior director of health and safety for Access
12 Midstream, which is a oil and gas gathering and
13 processing company here in Oklahoma City. We have
14 business across the US.

15 THE COURT: Okay.

16 JUROR SPERLING: Across the rocky mountains.
17 And my wife Kelly is an executive assistant at Devon
18 Energy.

19 THE COURT: Thank you very much. Mr. Sheppard.

20 JUROR SHEPPARD: Chauncey Sheppard, I'm a
21 custom orders rep for AT&T, no spouse, no children.

22 THE COURT: Ms. Culbreath.

23 JUROR CULBREATH: I'm currently retired, in the
24 past I've worked for the law firm of Kirk and Chaney.
25 The last job was with the Oklahoma City Chamber of

1 Commerce. No children, no spouse.

2 THE COURT: Ms. Medlin.

3 JUROR MEDLIN: Erin Medlin, I'm a physical
4 therapy for Integris and my husband is a recruiter
5 Express.

6 THE COURT: Ms. Collett.

7 JUROR COLLETT: I'm a retired LPN. I have one
8 daughter and three sons, two grandchildren, two
9 granddaughters, and no spouse.

10 THE COURT: What do your children do for a
11 living?

12 JUROR COLLETT: My daughter is a stay at home
13 mom with all those kids, she's the one with all the kids.
14 And the three boys work like temporary agencies.

15 THE COURT: Ms. Collett, I wanted to ask if
16 there is anything I need to do to accommodate you on
17 knowing that you needed --

18 JUROR COLLETT: I need to apologize for that.
19 I wasn't prepared for staying so long and I have
20 arthritis real bad. I took my pain pills.

21 THE COURT: So as long as we take breaks and
22 thinks like that you'll be okay?

23 JUROR COLLETT: Yes. If I get in distress,
24 I'll holler.

25 THE COURT: All right. Sounds good. Ms.

1 Potter.

2 JUROR POTTER: Vickie Potter. My husband is
3 Michael Potter. I work for Automated Gas Systems as a
4 lease person. My husband works in Tulsa, he's a lease
5 person in Dallas. And I have one daughter and she --

6 THE COURT: She does what?

7 JUROR POTTER: Loans.

8 THE COURT: What did you say your husband does?

9 JUROR POTTER: He's makes like gas lease.

10 THE COURT: So the same sort of thing you do?

11 JUROR POTTER: Yes.

12 THE COURT: All right. Ms. Andrade?

13 JUROR ANDRADE: I'm Pamela Andrade, I work at
14 Arvest Bank in the commercial lending area. My husband
15 is Andrew Andrade and he works at Tinker.

16 THE COURT: Ms. Cook.

17 JUROR COOK: Divorced, I have one son, he is
18 just turned 19. He is a journeyman plumber, getting
19 ready in a couple months, you heard what I did.

20 THE COURT: Yeah. Is this next three weeks in
21 trial or possibly three weeks going to affect the wedding
22 planning?

23 JUROR COOK: Oh, God, no, I've got six months.

24 THE COURT: All right. And then Ms.

25 Stiger-Monahan.

1 JUROR STIGER-MONAHAN: My name is Shannon
2 Stiger-Monahan, I am a store manager for Petsmart. I've
3 spent the last 20 years in retail management. My
4 education is human resource management. And I did about
5 four months in as an office manager for an orthopedic
6 surgeon in Lawton. And I'm not married and I have no
7 children.

8 THE COURT: Is there anyone else on the panel
9 that may have special needs that I need to accommodate?
10 Any type of vision or hearing, anything that I need to
11 know about now before we go any further? All right.

12 Sir, that is -- sir, that is all that I have for
13 this jury, so Mr. Beasley, are you going to do the voir
14 dire?

15 MR. BEASLEY: Yes, ma'am.

16 THE COURT: You may proceed.

17 MR. BEASLEY: Thank you, Judge.

18 The Judge has covered a lot that I was going to
19 cover, so I don't get too carried away with this book.
20 First I'm going to ask you this, though, you probably
21 figured out I'm not from here. I'm from Montgomery,
22 Alabama. My law firm is in Montgomery. We practice all
23 over the country, and this cause is brought us to
24 Oklahoma.

25 Is there any connection with Toyota now that you've

1 had a lunch break that you've thought about that you need
2 to tell us about that you didn't tell the Judge in
3 responses to her Toyota questions? Anybody?

4 The Judge asked you about lawsuits that you've been
5 involved in personally or a business that you are
6 associated with or even as an individual, where you had
7 either sued or been sued. Now I want to ask you about
8 your family members. Have any of your family members
9 ever filed a lawsuit that you're aware of.

10 JUROR STIGER-MONAHAN: What kind of lawsuit are
11 you looking for?

12 MR. BEASLEY: Any type lawsuit. Not divorce,
13 anything other than divorce or child custody, anything
14 like that.

15 JUROR STIGER-MONAHAN: My mother was in a
16 lawsuit EEOC with a local hospital. She's a
17 psychologist, Ph.D. psychologist, and that was probably
18 10 years ago.

19 MR. BEASLEY: Okay. Anyone else?
20 Mr. McPherson, is that correct?

21 JUROR MCPHERSON: Yes. My father was involved
22 in asbestos lawsuits in the shipping yards back in New
23 Jersey.

24 THE COURT: As a plaintiff.

25 JUROR MCPHERSON: As a plaintiff, yes.

1 MR. BEASLEY: Anyone else.

2 JUROR STIGER-MONAHAN: Are you wanting to talk
3 about defendants? If they are pending, do you want to
4 know about --

5 MR. BEASLEY: Not necessarily pending, either
6 in the past or one that is pending.

7 JUROR STIGER-MONAHAN: It is pending.

8 MR. BEASLEY: Yes, ma'am.

9 JUROR STIGER-MONAHAN: Okay. My father is
10 being -- is under indictment with a federal government,
11 the court case is pending.

12 MR. BEASLEY: All right. Anyone else? Yes,
13 ma'am, Ms. Russell.

14 JUROR RUSSELL: That doesn't count like someone
15 did something to you?

16 MR. BEASLEY: That would be, yes, that would be
17 included.

18 JUROR RUSSELL: Well, me.

19 MR. BEASLEY: What was that?

20 JUROR RUSSELL: A rape.

21 MR. BEASLEY: Anyone else?

22 JUROR MCPHERSON: My father died with asbestos
23 poisoning.

24 MR. BEASLEY: The general Motors plant that was
25 here, there was some questions about that and some

1 responses. Anybody -- any of your family members work at
2 that plant when it was here that you haven't told us
3 about?

4 JUROR RUSSELL: Which one?

5 MR. BEASLEY: The General Motors plant.

6 JUROR RUSSELL: Oh, yeah.

7 MR. BEASLEY: What about Tinker Air Force Base,
8 the question I believe was have you worked there. Any of
9 your family members ever worked at Tinker? Ms. Russell.

10 JUROR RUSSELL: My husband, my brother-in-law
11 GM.

12 MR. BEASLEY: What type work?

13 JUROR RUSSELL: I'm going to say production
14 line, I don't know.

15 MR. BEASLEY: Anyone else.

16 JUROR POTTER: My dad was in maintenance a long
17 time ago at Tinker.

18 MR. BEASLEY: And Ms. Andrade.

19 JUROR ANDRADE: My husband, he works at Tinker
20 and my brother-in-law works at the --

21 MR. BEASLEY: Anyone else? Yes, sir.

22 JUROR GARCIA: My wife works at Tinker.

23 MR. BEASLEY: Mr. Garcia.

24 JUROR GARCIA: She's an analyst at Tinker.

25 MR. BEASLEY: Grogg.

1 JUROR GROGG: My grandfather.

2 MR. BEASLEY: Your grandfather. What type
3 work?

4 THE COURT: I'm sorry, could you speak up just
5 a little.

6 JUROR GROGG: Airplanes.

7 THE COURT: He works on airplanes?

8 MR. BEASLEY: Okay. Ms. Powell.

9 JUROR POWELL: My father worked there in the
10 officer's club as a bartender, and my stepmom worked
11 there as a material worker.

12 MR. BEASLEY: There was some questions about
13 your involvement and employment and work in the computer
14 industry. I want to carry it just a little bit further.
15 I want to include several categories. First in sales,
16 does anyone, either you or any member of your family ever
17 worked in computer sales where you were selling?

18 Has anyone had any special computer training.

19 JUROR STIGER-MONAHAN: What do you consider
20 special?

21 MR. BEASLEY: Specializing in the sense, more
22 than just, say, casual, where you had some type intense
23 training, either writing code, anything connected with a
24 computer operation.

25 JUROR STIGER-MONAHAN: Programming.

1 MR. BEASLEY: Mr. Garcia?

2 JUROR GARCIA: In college I took a couple of
3 programming classes.

4 THE COURT: Could you speak up?

5 JUROR GARCIA: A could of programming classes
6 in college.

7 MR. BEASLEY: Ms. Powell?

8 JUROR POWELL: Classes in the course of my
9 education, experience.

10 MR. BEASLEY: All right. Anyone else?

11 If I use the term "writing code," does that have any
12 meaning to you?

13 JUROR POWELL: I know what it is.

14 MR. BEASLEY: What does it mean?

15 JUROR POWELL: That you mean you're writing a
16 program in code, you're coding the insides of the
17 computer, or programming a computer.

18 MR. BEASLEY: Any of you read or write
19 software?

20 This case is going to involve some rather technical
21 aspects of computer operations. It's also very simple in
22 a lot of ways, too. We're going to be talking about the
23 throttle system of a car, but I'm not going to get into
24 the details, give you any facts on it.

25 How many of you are aware that there've been

1 significant changes since the about the '70s on in
2 automobiles insofar as computers operating the functions
3 of the automobile. Is there anybody who does know not
4 that? That's probably the best way to put it.

5 Do all of you realize that cars today are pretty
6 well controlled and operated by computers? Anybody who
7 does not realize that?

8 Have any of you ever heard the term "bug" or "bugs"
9 relating to computers? If so raise your hand so -- I'm
10 going to start on the end. Ms. Medlin, is that correct?

11 JUROR MEDLIN: As far as like with a car or
12 just --

13 MR. BEASLEY: Just computers generally.

14 JUROR MEDLIN: Like a virus, or.

15 MR. BEASLEY: Is that your understanding?

16 JUROR MEDLIN: I guess.

17 MR. BEASLEY: I'm just asking for information.
18 I'm not trying to embarrass. In fact, you all know more
19 about computers than I do most likely. You'll figure
20 that out before this case is over.

21 Anyone else? I believe, Ms. Collett?

22 JUROR COLLETT: Like a mistake in a program and
23 they go in and fix it. A bug is like a mistake in a
24 program.

25 MR. BEASLEY: Okay. Ms. Cook.

1 JUROR COOK: A glitch, there's a glitch or
2 something that causes it not to perform adequately.

3 MR. BEASLEY: Okay.

4 JUROR STIGER-MONAHAN: Everything they just
5 said. I mean, it's the same thing -- I deal with testing
6 of programs in retail and there will be a bug because
7 something may not have been written correctly or was not
8 connecting to the different branches of the something
9 that a program is touching and they had to go back and
10 fix those bugs.

11 MR. BEASLEY: On the second row, anyone in the
12 second. Mr. Garcia?

13 JUROR GARCIA: Same thing. Just a mistake in
14 the program.

15 MR. BEASLEY: Anyone else? There's also a term
16 that you will hear testimony during the trial, the term
17 spaghetti. And I'm not talk about a food spaghetti, I'm
18 talking about connected with computers. Does the term
19 "spaghetti" mean anything to you in the computer world?

20 Have any of you ever made an customer complaint to a
21 corporation concerning a product, including an
22 automobile, that you had that they manufactured and sold
23 that you bought? Ms. Cook.

24 JUROR COOK: Yes.

25 MR. BEASLEY: What type?

1 JUROR COOK: It was a new, one of the General
2 Motor new cars, Lumina, I think it was, right after they
3 came out in the market, I had a lemon. It wouldn't run
4 to save its life. It was -- about every other week it
5 was in the shop.

6 MR. BEASLEY: Did the company General Motors,
7 you said, did they investigate the complaint?

8 JUROR COOK: They said it was all in my head.

9 MR. BEASLEY: All in your head.

10 JUROR COOK: All in my head.

11 MR. BEASLEY: Did they do more than just say it
12 was all in your head?

13 JUROR COOK: No. They said that it's a new
14 car, there was no mistakes, no errors, so I pulled it up,
15 parked it and gave them their keys back and had somebody
16 else pick me up.

17 MR. BEASLEY: Anyone else on the front row?
18 Second row or third?

19 Does everyone understand when I say a consumer
20 complaint or a custom complaint where you report some
21 defect or some problem?

22 You heard from the Judge a question about
23 acceleration. Does the term "sudden unexpected
24 acceleration" have any meaning to anyone on the jury this
25 group? Ms. Russell.

1 JUROR RUSSELL: We owned a car, I'm not sure
2 what you're speaking of, but we all owned a car that the
3 gas pedal when you push the gas pedal down, that it got
4 stuck somehow in there. I mean, we didn't make a big
5 deal out of it, we just traded it back in.

6 MR. BEASLEY: Approximately what year was that?

7 JUROR RUSSELL: It was probably about -- let's
8 see, this is 2013. It was probably about 2006 or seven.

9 MR. BEASLEY: After the cars had gone over to
10 computers?

11 JUROR RUSSELL: Right.

12 MR. BEASLEY: You asked me how to define it.
13 To be very clear, what I'm talking about, acceleration
14 where the driver had no input where the car takes off is
15 what we're talking about.

16 JUROR RUSSELL: Oh, yeah.

17 MR. BEASLEY: Is that what you were saying?

18 JUROR RUSSELL: Uh-huh.

19 MR. BEASLEY: Let's see. Yes, ma'am.

20 Ms. Cross.

21 JUROR CROSS: I'm aware in the past of seeing,
22 say on the Internet, news stories of some events that
23 were being described that way. I don't recall details,
24 make of the car, but incidents like that.

25 MR. BEASLEY: All right. Anyone else?

1 JUROR MCPHERSON: Just the definition of it.

2 MR. BEASLEY: And where did you get that
3 information, do you recall?

4 JUROR MCPHERSON: Talking to other man that
5 knew.

6 MR. BEASLEY: Did it have that occurrence?

7 JUROR MCPHERSON: Yeah, talked about that
8 occurrence taking place.

9 MR. BEASLEY: All right. There is a
10 governmental agency called the National Traffic Highway
11 Safety Administration. I'm going to generally refer to
12 it in the trial, I call it NTHSA for short. Has anybody
13 ever heard of NHTSA before today? Mr. Sperling, is that
14 correct?

15 JUROR SPERLING: Yes.

16 MR. BEASLEY: What is your understanding about
17 NHTSA? How do you understand their function to be?

18 JUROR SPERLING: Well, as far as a health and
19 safety professional, it's something that we get
20 information regarding our fleet management on on
21 occasion.

22 MR. BEASLEY: Anyone else?

23 I'm going to ask you this to sort of get your
24 understanding. There is going to be a lot of discussion
25 during this trial about critical safety systems. How

1 many of you believe that a corporation that manufactures
2 and sells automobiles should make safety as a top
3 priority in their company? Let me reverse it. Anybody
4 who does not believe that they should make safety a top
5 priority? Anybody? If you feel that way, tell us now.

6 If like Ms. Russell, you had an automobile that had
7 a specific problem such as an acceleration, would you
8 expect the company who manufactured and sold that car to
9 be concerned about your particular problem, if you
10 reported it to them? Everybody.

11 Does everybody understand that this is a civil case,
12 not a criminal case? I think the Judge has done a good
13 job of explaining that earlier, but sometime I find that
14 people miss the real meaning as to why it's important.

15 Does everybody understand that the burden of proof
16 in a civil case is much different than that in a
17 criminal. For example, we have to prove by a
18 preponderance of the evidence, or reasonably satisfy you
19 in a civil case to be able to receive your verdict.

20 In a criminal case, the proof has to be beyond a
21 reasonable doubt. That is not the burden of proof in
22 this case. Does everybody understand that?

23 Is there anybody who feels that the burden of proof
24 should be higher in a civil case? In other words, where
25 we would have to prove it beyond any doubt? Does anyone

1 feel that way? Even though that's not the law.

2 Now, do you agree that a consumer has the right to
3 anticipate that an automobile and all of its component
4 parts will be safe for their intended purpose? In other
5 words, if you receive that vehicle that you have the --
6 you are -- you can anticipate that you've got a safe
7 vehicle and not one like Ms. Russell had. Everybody?

8 The Judge asked about a lot of different
9 occupations, I'm going to carry it a little bit further.
10 Have any of you, any member of your family ever worked or
11 presently work for an insurance company of any kind?
12 Ms. Russell.

13 JUROR RUSSELL: Myself for Farmers.

14 MR. BEASLEY: Farmers.

15 JUROR RUSSELL: Yes. Insurance adjustor.

16 MR. BEASLEY: All right. That was going to be
17 my next question, so you hit both of them.

18 JUROR COOK: I work in a health insurance HMO
19 side.

20 MR. BEASLEY: Let's see, I can't even read my
21 own writing. You better tell your name, I'm sorry.

22 JUROR MCCASKILL: McCaskill. My uncle ran a
23 State Farm, I believe, insurance branch in Kansas.

24 MR. BEASLEY: Okay. Anyone else? The question
25 that Ms. Russell answered is the next question. Any of

1 you ever worked as a claims adjuster, not necessarily for
2 an insurance company, but where you adjusted claims to
3 determine the amounts of money to be paid on a claim?
4 Anybody?

5 There will be experts testifying in the case who do
6 accident reconstruction. Each side will have an expert
7 who will reconstruct the automobile accident. Have any
8 of you ever worked in that field or any member of your
9 family ever worked in the field where you would take an
10 accident scene after the fact and reconstruct to find out
11 exactly what happened during an accident sequence?

12 Does that make sense? Anybody ever done that type
13 work?

14 JUROR SPERLING: Essentially my role in my
15 career.

16 MR. BEASLEY: Mr. Sperling, okay. And I assume
17 that you believe that that is a valid way of determining
18 accident causation, necessarily, but how one happens?

19 JUROR SPERLING: Correct.

20 MR. BEASLEY: And it's recognized, correct?

21 JUROR SPERLING: (Indicating.)

22 MR. BEASLEY: Anyone else? Some of you've
23 answered this. I'm going to ask it a little bit
24 different way. How many of you work in a job where your
25 job is in a supervisory capacity over other employees

1 where they report to you? Yes, ma'am.

2 JUROR STIGER-MONAHAN: I'm a retail manager. I
3 manage anywhere from 25 to 100 people who report directly
4 to me.

5 MR. BEASLEY: And you generally, are they
6 required to report up to you on problems they have, on
7 difficulties they are having.

8 JUROR STIGER-MONAHAN: Yes.

9 MR. BEASLEY: Good and bad things.

10 JUROR STIGER-MONAHAN: Correct.

11 MR. BEASLEY: Is that generally the way it
12 works that you report up to the supervisors.

13 JUROR STIGER-MONAHAN: Yes.

14 MR. BEASLEY: In most places.

15 JUROR STIGER-MONAHAN: Yes.

16 MR. BEASLEY: Anybody else on the first row?
17 Ms. Cook. I think we've gotten you.

18 JUROR COOK: Yeah, I pretty much do everything,
19 but I worked in the alarm industry and I had seven
20 technicians underneath me, and if there was issues with
21 their job or the installation or scheduling, whatever the
22 case was, that was on me.

23 MR. BEASLEY: All right. And Ms. Collett.

24 JUROR COLLETT: I'm the boss --

25 THE COURT: I'm sorry, could you speak up?

1 JUROR COLLETT: I'm the supervisor when my boss
2 is gone.

3 JUROR CULBREATH: I'm the director of public
4 pre-school. I have of 19 teachers.

5 MR. BEASLEY: Under your supervision?

6 JUROR CULBREATH: Yes.

7 MR. BEASLEY: Mr. McPherson.

8 JUROR MCPHERSON: Clinical director at a
9 staffing agency. I have nine clerical, and all of the
10 workers at the staffing facility.

11 MR. BEASLEY: Mr. Sperling?

12 JUROR SPERLING: Senior director of
13 environmental health and safety. I have a staff of
14 managers and supervisors that report to me.

15 MR. BEASLEY: Do you agree that supervisors
16 receive from the people they are supervising information
17 up from that level to you or to a supervisor?

18 JUROR SPERLING: Absolutely, it's an
19 expectation.

20 MR. BEASLEY: And it's required, am I correct?

21 JUROR SPERLING: Yes.

22 MR. BEASLEY: For example, would you check the
23 president of a large corporation to generally know what's
24 going on in that capacity, people below the president or
25 report up type situation?

1 JUROR SPERLING: It would depend on the
2 circumstances of the information, where you delegate, the
3 process.

4 MR. BEASLEY: Suppose it's dealing with safety
5 issues?

6 JUROR SPERLING: Significant health and safety
7 issues, yes.

8 MR. BEASLEY: Will always be reported up.

9 JUROR SPERLING: Our CEO would be expected to
10 know.

11 MR. BEASLEY: Anyone else? Third, yes, ma'am.
12 Ms. Sampson, is that correct?

13 JUROR SAMPSON: I manage our business and I
14 have four people underneath me so.

15 MR. BEASLEY: Ms. Cross.

16 JUROR CROSS: I'm executive director of a
17 nonprofit, I supervise eight.

18 MR. BEASLEY: All right. Everybody agree with
19 Mr. Sperling that a CEO or a president of a corporation
20 on the critical safety issues, that it's a requirement
21 that folks below report up to that level? Anybody agree
22 with that? Anybody be surprised to find out that some
23 don't do that? Anybody.

24 JUROR STIGER-MONAHAN: I wouldn't be surprised.

25 MR. BEASLEY: You wouldn't be surprised?

1 JUROR STIGER-MONAHAN: No.

2 MR. BEASLEY: I probably wouldn't either. I'm
3 not sure this was asked. I'm going to ask it out of
4 caution. Have any of your family members ever been
5 injured or killed because of some manufactured product
6 that they later learned to be either badly designed or
7 defective in some fashion? Ms. Russell.

8 JUROR RUSSELL: My daughter, she works at
9 Devon, and it was on a truck, the flatbed flew off the
10 truck and hit her while she was walking on the side of
11 the road. And on that truck, the flatbed, it was
12 defective.

13 MR. BEASLEY: Defective.

14 JUROR RUSSELL: Yes.

15 MR. BEASLEY: All right. Was it a bad design
16 or a manufacturer defect, do you know?

17 JUROR RUSSELL: No, I don't know that. I think
18 -- I know it was by design, it wasn't by malfunction of
19 -- what the owner of the vehicle did.

20 MR. BEASLEY: Right. So a defect, designed in
21 defect during the manufacturing process?

22 JUROR RUSSELL: Right, right.

23 JUROR MCPHERSON: This is really the lawsuits
24 for asbestos poisoning, my father was a part of that
25 initial suit back at the time.

1 MR. BEASLEY: Mr. McPherson, correct?

2 JUROR MCPHERSON: Yes.

3 MR. BEASLEY: Anyone else? All of you believe
4 that the consuming public, folks who buy products, have a
5 right to receive full and truthful information from the
6 manufacturer and the seller about the safety of the
7 product, in this case, a motor vehicle? Anybody -- all
8 of you. Does anybody disagree with that, is the best way
9 to put it?

10 So can we agree that a manufacturer has an
11 obligation to furnish truthful information to the public,
12 to the buyers of products if they know about the problem,
13 am I correct?

14 Is anybody who believes that it's okay for a
15 corporation that designs and sells motor vehicles to put
16 their profits over the safety of the consumers? Anybody?

17 I'm going to ask you this in three ways. Do each of
18 you believe that a manufacturer of a product, including a
19 computerized product, knows of a defect in that product,
20 that the manufacturer would, one, notify the governmental
21 agency that deals with, say the automobile industry or
22 any industry, notify the public, and also fix the
23 problem? All of you agree with that or does anybody
24 disagree?

25 THE COURT: I don't think she understood your

1 question.

2 JUROR RUSSELL: It was kind of a vague.

3 MR. BEASLEY: Probably a bad question. Let me
4 do it in three ways. Do you believe that a manufacturer
5 of a product knows of a defect in that product, that the
6 manufacturer should, one, notify the governmental agency
7 that has any type regulatory authority over that company?

8 JUROR RUSSELL: Okay.

9 MR. BEASLEY: And the second be if they know,
10 then to fix the problem. Third, would be to notify the
11 public.

12 JUROR RUSSELL: If they know.

13 MR. BEASLEY: If they know.

14 JUROR RUSSELL: All right.

15 MR. BEASLEY: Or reasonably should know based
16 on information.

17 This case could have a two types of damages, both
18 compensatory and what's called punitive damages.

19 Compensatory would be to, for example, medical bills,
20 things of that sort. I'm going to ask you a about

21 punitive damages, because I find that sometimes folks are
22 just against it. Is anybody here, if the law and the
23 facts of the case justified it, can everybody here say
24 that they would award punitive damages in some amount?

25 Or is anybody who just simply could not regardless of the

1 law or regardless of the facts award a damage that would
2 be considered punitive? Anybody?

3 JUROR MCCASKILL: What is punitive damage?

4 MR. BEASLEY: Punitive damage is generally --
5 the Judge will explain it in much more detail later, is
6 to punish a wrong doer, and also to deter that type
7 conduct in the future, and also have an affect on others
8 who might be inclined to the same thing. That is
9 basically it. And it requires more than just enough to
10 award compensatory damages, the proof has to be to
11 stronger on punitives.

12 And the question I'm asking you is, if the law and
13 the facts justified it, everybody say that they would
14 award punitive damages, or is anybody who could not?
15 Okay.

16 I was asked to carry it just a little bit further,
17 and this is probably a good time to do it. Over the
18 years in my law practice I've seen changes in the civil
19 justice system. I've seen a lot of attacks on the
20 system; I've seen sometimes lawsuits get in the system
21 that maybe shouldn't have been there. You even have some
22 people who would file what's called a frivolous lawsuit.

23 Now, the question I'm asking each of you, does
24 anybody have a fixed opinion about the court system? Do
25 you think it's broken? Do you jury verdicts are too

1 high? Do you think there are too many lawsuits? Or do
2 you think just something wrong with our current system?
3 The civil justice system. Yes, ma'am.

4 JUROR STIGER-MONAHAN: There's a lot of
5 questions in there.

6 MR. BEASLEY: A lot of questions, yeah.

7 JUROR STIGER-MONAHAN: But I'll go with the
8 first one that I think that it is flawed. That there is
9 something wrong with our court system.

10 MR. BEASLEY: Do would you fix it if you had
11 the opportunity? That is a good question for you to
12 answer.

13 JUROR STIGER-MONAHAN: I think that it should
14 simplify. I think that the jury system is effective, but
15 I think that there's -- I think that there's things that
16 should be simplified in it, and I think there should be
17 limitations to what should be brought before the system
18 -- before the court system.

19 MR. BEASLEY: The types of cases.

20 JUROR STIGER-MONAHAN: Correct.

21 MR. BEASLEY: In other words, you would want it
22 to be a system that worked where ordinary folks, for
23 example, if you sat on a jury could understand what's
24 going, is that kind of.

25 JUROR STIGER-MONAHAN: Well, that you wouldn't

1 waste a jury's time, and that the type of cases that
2 would come before the jury wouldn't be, well, frivolous.
3 I think that the flawed part of our system is the
4 overworked part of our system.

5 MR. BEASLEY: Can everybody agree with me that
6 frivolous lawsuit should not filed? Which is a very good
7 point.

8 Now, take it a step further. The attacks on the
9 system sometimes have been unwarranted, in my opinion,
10 because I have found over the years that the system
11 generally works, but you can glitches in the system like
12 you can have glitches in other systems. So is there
13 anybody here who just feels really strongly that lawsuits
14 shouldn't be filed and people who have been injured or
15 had a person in a family killed as a result of a
16 defective product, that they shouldn't have access to the
17 court system? Anybody feel that way?

18 I might as well ask you this. How many of you watch
19 Fox News every night? Anybody?

20 JUROR HENSON: Not every night but I do watch
21 it.

22 MR. BEASLEY: Have you heard any discussions on
23 Fox News about how bad the jury system is, for example?

24 JUROR HENSON: No.

25 MR. BEASLEY: Anybody else? Mr. Henson, is

1 that correct?

2 JUROR HENSON: Yes.

3 MR. BEASLEY: Have any of you seen -- I'm not
4 picking on Fox News, don't get me wrong, I just used --
5 just popped in my head. Have any of you seen any TV news
6 reports or any type media reports where attacks were made
7 on the civil justice system, and specifically on the jury
8 system? Have you seen any of this?

9 JUROR RUSSELL: You're we are secure, though,
10 right?

11 MR. BEASLEY: Ma'am.

12 JUROR RUSSELL: We are secure, right?

13 MR. BEASLEY: As secure as you can get. I got
14 confidence in the judge and all folks, you're going to be
15 secure.

16 JUROR RUSSELL: Okay.

17 MR. BEASLEY: That's all I have, Judge.

18 THE COURT: Thank you. Mr. Jennings, are you
19 going to do voir dire for the defendant?

20 MR. JENNINGS: Yes, ma'am.

21 THE COURT: Okay. You may proceed.

22 MR. JENNINGS: May it please the Court. Ladies
23 and gentlemen, let me begin by introducing myself again.
24 That happened some time ago but it's been awhile. I'm
25 Jim Jennings, I'm a lawyer here in Oklahoma City. I have

1 an office right down the street here about a block, small
2 law firm called Jennings Cook and Teague. My partner,
3 Derrick Teague, is here with me and my friend Randy Bibb
4 and Ryan Clark are lawyers from Tennessee, they are here
5 to participate in this trial. And we are also joined by
6 this lady here at the table his is Alicia McAndrews.
7 She's with Toyota Motor Sales. I'm repeating this, but
8 maybe it's worth hearing again, just because a lots been
9 said and done by this time. But she's with Toyota Motor
10 Sales which is an American company which imports and
11 distributes Toyota vehicles. That's one of the
12 defendants in this case.

13 The other defendant in this case is Toyota Motor
14 Corporation, which is the Japanese company which
15 manufactures vehicle. It manufactured the Camry, the
16 2005 Camry which is the subject of this case.

17 It's I'm sure becoming -- it will become clear as
18 time passes that I always come second. When I stand up
19 to say something or when Randy Bibb my colleague here
20 stands up to say something, we come second in the order
21 of things. That's because the plaintiff has the burden
22 of proof in this case. And our role is to respond to
23 what they say. So that's how this will play out over
24 time.

25 You know, this is, as the Judge said, the only

1 chance that we have to speak directly to you and ask
2 questions. We have get to have a conversation right here
3 in the courtroom. We never get to do that in this trial
4 except right now.

5 And our purpose is to select what we hope will be
6 the best possible jury for this case. You know, cases
7 are different, people are different, the jury that would
8 be best for the case being tried down the hall might not
9 be this one, because we all have our own backgrounds and
10 our own experiences. So we're trying to figure out what
11 the best jury for this case might be.

12 We're all strangers here. We start out as strangers
13 and we're hoping just to get acquainted as this process
14 plays out so that they can make some wise choices as we
15 go forward.

16 This is a case about a woman, Jean Bookout, who came
17 off of Highway 69 over in McIntosh County, took the exit
18 ramp, drove down the exit ramp, failed to stop before she
19 got to the bottom, took off across the intersecting
20 street and plowed into the dirt embankment on the far
21 side. That's what this case is about. That's the kind
22 of case that this is.

23 She and her friend of some 40 years, Barbara
24 Schwarz, who tragically died in the crash, were in the
25 car on together.

1 Is there anything about that kind of case, just from
2 that really meager description that I've given you that
3 would suggest to you that it would be hard for you to be
4 a fair juror in this case?

5 Anybody hear of an accident like that in the past?
6 Anybody been in an accident of that type in the past at
7 all?

8 Okay. Here's the method -- the good thing about
9 coming second is, everybody has learned how the process
10 goes and I don't have to recreate the wheel here. Most
11 of my questions will be put to the group as a whole. And
12 I know that we're now in the afternoon, we've been at it
13 a while, and this is a wearying process. I understand
14 that.

15 But when I ask a question of the group, if it
16 triggers in your mind something that you think ought to
17 be said, shoot up a hand and I'll come to you and ask the
18 question specifically, and we'll just follow that and see
19 where it goes. And I've been trying to listen closely as
20 this process has been going on for the last couple of
21 hours, and I'm going to do my best to not repeat
22 anything. I don't want to waste your time or anybody
23 else's, and so I'll do my best to do that.

24 But you know, sometimes you have kind of have to
25 come at the same question just from a little different

1 angle. You want to approach it in just a little
2 different way to see if that triggers some kind of
3 response, some kind of a conversation that would be
4 important. So I've never been a big fan of audience
5 participation, but that's what it this. And so if what's
6 said brings something to mind, be sure and let me know
7 about it.

8 You know, we do this because, you know, we all come
9 to this courtroom, we all come to this process with our
10 own histories, with our own background, with our own soft
11 spots. My wife's a nurse, I have a soft spot for nurses.
12 And so maybe I wouldn't be a good juror in a case
13 involving a nurse. And so those are the kinds of things
14 that we're trying to bring out here and talk about as we
15 go on.

16 When I was a young man many years ago I had an old
17 mentor that would say at this stage of a trial that what
18 we're looking for is an even start on a dry track. I
19 used to think it sounded kind of hockey. Maybe it does.
20 But as I get older I find that I haven't found anything
21 that says it any better. That's really what we're trying
22 to accomplish here. And so to the extent that you can
23 help me out in this process, I would very much appreciate
24 it.

25 Let me talk to you a little bit about the parties in

1 this case. Much has been said, and I won't replot old
2 ground if I can avoid it I promise you. The plaintiff --
3 the one plaintiff who will be testifying from that chair
4 in this case is Jean Bookout, the lady that is sitting on
5 the front row back here. A very nice lady, 82 year old
6 woman who lives in Yukon. I think you've been asked this
7 question, and I know you've searched your minds and
8 you've had time to think about it. Nobody knows her or
9 has run across this lady in the past, have you?

10 There's the Schwarz family. They are sitting back
11 here on the front row along with Mrs. Bookout. They are
12 plaintiffs in this case. They are from Yukon also. Fine
13 family. I've met them all, taken their depositions.
14 When they testify in this case, you'll hear what they
15 have to say and we'll talk to them about some of the
16 things that have been said in the past when we met.

17 Mr. Schwarz has a company called Schwarz Paving,
18 Schwarz Brothers Paving, I think at one time, and a
19 couple of related companies. Anybody ever run across Mr.
20 Schwarz, the family, Schwarz Paving?
21 Yes, sir, Mr. Henson.

22 JUROR HENSON: I used to drive a truck hauling
23 rock to their asphalt plants.

24 MR. JENNINGS: Where was that located?

25 JUROR HENSON: They had several of them. One

1 of them being on the west side of the city, off of maybe
2 Meridian. I believe they had one up north off Waterloo.

3 MR. JENNINGS: Which one of the Schwarz
4 companies was that that you were having dealings with?

5 JUROR HENSON: All of them. We hauled rock to
6 all of them.

7 MR. JENNINGS: Are there several of them?

8 JUROR HENSON: Yeah, if that is the same
9 company.

10 MR. JENNINGS: Probably is. They are
11 headquartered in Yukon. In the course of that, did you
12 ever have occasion to meet Mr. Schwarz himself, Charles
13 Schwarz.

14 JUROR HENSON: No.

15 MR. JENNINGS: Anything about that association
16 that you have with the Schwarz family and the Schwarz
17 companies, whichever one it may have been you were
18 dealing with, that would enter into your thinking today?

19 JUROR HENSON: No.

20 MR. JENNINGS: Make it hard for you to be a
21 fair juror for them or for us.

22 JUROR HENSON: No.

23 MR. JENNINGS: Toyota, you know, we've talked
24 about Toyota some already and we're going to talk about
25 them a lot more. You're going to learn some things about

1 Toyota. You're going to learn about the way they do
2 business. They've been in the business of making cars,
3 you're going to know, for a long time.

4 And the company that Ms. McAndrews is with is
5 located in Torrance, California. That's where they are
6 headquartered. They've got a lot of people out there
7 that oversee this business of distributing Toyotas all
8 across the country.

9 Some of you are or have been Toyota owners. Is
10 there anything about the fact that Toyota is the
11 defendant in this case -- and when I say "Toyota" I mean
12 both of these companies that are involved here --
13 anything about that that will make it hard for you to be
14 the kind of juror that you would want to have if you were
15 the defendant in a case like this? Anything at all?

16 Mr. McPherson, I know in listening to your comments
17 earlier today that your dad was a plaintiff in a some of
18 asbestos litigation. And was that back in the early days
19 when that was going on some years ago?

20 JUROR MCPHERSON: That was back in the 70s.

21 MR. JENNINGS: And did he suffer from
22 mesothelioma, some disease caused by asbestos?

23 JUROR MCPHERSON: Yes, sir.

24 MR. JENNINGS: Did you participate in that
25 litigation with your father.

1 JUROR MCPHERSON: No, I did not.

2 MR. JENNINGS: And that litigation, I presume,
3 if it worked the way that I'm familiar with, your dad and
4 others would have been suing a manufacturer of a product,
5 right?

6 JUROR MCPHERSON: Correct.

7 MR. JENNINGS: Toyota is a manufacturer of a
8 product. This is a product liability case that we have
9 here. And your case or your dad's case would have been a
10 product liability case. Anything about that history,
11 that personal background that you bring to the courtroom
12 today that you think would make it hard for you to sit
13 fairly as juror in a case like this?

14 JUROR MCPHERSON: Yes.

15 MR. JENNINGS: Tell me about that.

16 JUROR MCPHERSON: In that case, there was
17 evidence as we learned more about that, Mansfield knew
18 about the unsafety of the product and chose to continue
19 to use the product to make a profit, and therefore many
20 hundreds of men died working in the shipyards during that
21 time in the early 70s into about 1975-76 when the
22 shipyard was closed.

23 MR. JENNINGS: And was your dad one of those
24 men on who died?

25 JUROR MCPHERSON: Yes.

1 MR. JENNINGS: Because of his exposure to
2 asbestos.

3 JUROR MCPHERSON: Correct.

4 MR. JENNINGS: And certainly at the heart of
5 that lawsuit was what was believed to be, and I presume
6 was, I don't know the facts of the case, but was the
7 wrongdoing of the manufacturer that you had sued, right?

8 JUROR MCPHERSON: Yes, sir.

9 MR. JENNINGS: And understandably you would
10 shape your thinking about product liability cases which
11 is what we're here to talk about. I understand that.
12 And so you think that would make it tough for you to be
13 fair in this kind of case to a manufacturer given the
14 kind of allegations we have in this case?

15 JUROR MCPHERSON: Yes.

16 MR. JENNINGS: Your Honor, I think probably
17 Mr. McPherson should be excused for cause.

18 THE COURT: Counsel, do you have any questions
19 of Mr. McPherson?

20 MR. BEASLEY: I would like to ask a few.

21 THE COURT: Okay, yes, you may.

22 MR. BEASLEY: Mr. McPherson, not generalizing,
23 but in this particular case, can you make a decision
24 based on the facts in this case and the law that the
25 Judge gives to you and be fair to both sides, concluding

1 Toyota? For example, if they were not at fault, would
2 you find a verdict for Toyota?

3 JUROR MCPHERSON: I'm not sure if I could. And
4 the reason being is that at times I believe companies
5 will withhold information to make a profit.

6 MR. BEASLEY: So you think on the fact this
7 company that your father sued, knew of the problem over a
8 period of years and didn't do anything to correct?

9 JUROR MCPHERSON: Correct, sir.

10 THE COURT: Okay. Mr. McPherson, I'm going to
11 excuse you as a juror in this particular case. And
12 you'll please go back over to the jury assembly room,
13 they'll let you know if your services are needed for
14 another case.

15 MR. JENNINGS: Did you speak to me?

16 THE COURT: No.

17 CLERK: Tommy T-O-M-M-Y, Dumbell D-U-M-B-E-L-L.

18 THE COURT: Sir, is it pronounced Dumbell? I
19 heard you say close.

20 JUROR DUMBELL: Dumbell.

21 THE COURT: I'm just going to delete the B
22 right now so I don't forget to do that. Mr. Dumbell, did
23 you hear earlier when I introduced the parties and their
24 attorneys in this case?

25 JUROR DUMBELL: Yes, I did.

1 MR. BEASLEY: Did you know any of the parties
2 or their attorneys?

3 JUROR DUMBELL: No.

4 THE COURT: And were you able to hear when I
5 read the list of witnesses or potential witnesses, did
6 you know any of those potential witnesses.

7 JUROR DUMBELL: I did not.

8 THE COURT: And when I read the statement of
9 the case, is there anything about the facts or the
10 statement of the case that I read that made you think
11 that you might know something about this case.

12 JUROR DUMBELL: I did hear about it several
13 years ago when it happened, I think this particular
14 incident. Several complaints about Toyota, that was
15 five, six, seven years ago.

16 THE COURT: Can you tell me, is there anything
17 specific you remember, or is it just pretty much the
18 general allegations?

19 JUROR DUMBELL: Something similar to Audi mean
20 years before, the accelerator sticks or something.

21 THE COURT: Okay. And when you say similar to
22 the Audi, can you explain to me what you mean by that,
23 the accelerator sticking?

24 JUROR DUMBELL: Back in the '90s, I think
25 maybe, Audi Motor Company had problems with cars

1 accelerating for no reason.

2 THE COURT: And as a result of what perhaps
3 you've heard either on the news or read in magazines or
4 newspapers about those incidents, do you have any
5 preconceived idea on this case, how you might decide this
6 particular case?

7 JUROR DUMBELL: I really don't know.

8 THE COURT: Do you think you can still give
9 both the plaintiff and as well as the defendant a fair
10 trial in this case?

11 JUROR DUMBELL: I doubt it.

12 THE COURT: Okay. Why do you say that?

13 JUROR DUMBELL: Well, I have a problem with
14 punitive damages.

15 THE COURT: Is this a situation where you think
16 regardless of what the evidence says and what I might
17 instruct you the law is regarding the applicability of
18 punitive damages, are you saying that you may not be able
19 to award punitive damages even if they are warranted in
20 this case?

21 JUROR DUMBELL: I don't think -- I don't know
22 how to say this, but I personally think that jury awards
23 have gone crazy and I don't believe I could award
24 punitive damages.

25 THE COURT: Even if the facts in this case

1 should show that they might be warranted, or the facts in
2 this case might establish the need for punitive damages,
3 you don't can you can award punitive damages?

4 JUROR DUMBELL: I don't believe I could.

5 THE COURT: Counsel, do plaintiff or defendant,
6 do you like to inquire?

7 MR. JENNINGS: I would like to inquire.

8 THE COURT: Did the plaintiff have any
9 questions?

10 MR. BEASLEY: No, ma'am.

11 THE COURT: Okay. Mr. Jennings.

12 MR. JENNINGS: Yes, ma'am, if you don't mind.

13 Mr. Dumbell, you were sitting back here as all of
14 this has been taking place, I could hear what was being
15 said and you heard my introduction of myself, I take it?

16 JUROR DUMBELL: Yes, I did.

17 MR. JENNINGS: We appreciate your time here
18 today. And I understand what you're saying, your
19 reservation about certain kind of damages. You know,
20 people come to courtroom like this, certainly if you've
21 got a few years behind you, with experience and certain
22 inclinations in certain directions. No one is unbiased,
23 everybody has biases of various kinds. The question
24 ultimately becomes whether as a juror you can follow the
25 law that's given to you by the Judge. And decide the

1 case on the facts and the law.

2 Let me tell you what I'm talking about. The law in
3 Oklahoma provides for a oath that jurors have to take at
4 the end of this process, once they are selected and it's
5 decided that they are going to serve as jurors in the
6 case, they have to raise up their hands and take an oath
7 and promise to be able to try the case according to the
8 law and the facts.

9 The question is, whether you can do that. I
10 understand that you have your inclinations, as others do,
11 but can you set those aside enough to be able to give
12 that oath and decide this case on the basis of the law
13 and the facts, the facts that you decide, and the law
14 that this Judge gives. You can you do that?

15 JUROR DUMBELL: I don't think so.

16 MR. JENNINGS: Okay. Fair enough. Thank you.

17 THE COURT: Thank you, Mr. Dumbell, I'm going
18 to release you as a juror in this case and if you'll back
19 over the jury assembly room, they will let you know if
20 you're needed for another case.

21 CLERK: Shannon, S-H-A-N-N-O-N. Hibbert,
22 H-I-B-B-E-R-T.

23 THE COURT: Ms. Hibbert, are you going to be
24 able or do you have any anything that's going to cause
25 you a severe hardship if you were chosen to serve as a

1 juror in this case knowing it's going to be three weeks
2 long?

3 JUROR HIBBERT: No, ma'am.

4 THE COURT: And did you hear earlier when I
5 introduced the parties and the counsel, did you know any
6 of the parties or their attorneys?

7 JUROR HIBBERT: No.

8 THE COURT: When I read the list of witness,
9 did you know anything about or recognize any of the names
10 of the witnesses?

11 JUROR HIBBERT: No.

12 THE COURT: When I read the statement of the
13 case, is there anything about the case that sounded
14 familiar to you?

15 JUROR HIBBERT: No.

16 THE COURT: And have you read anything at all
17 in the newspaper, in the magazines, television, anything
18 at all about Toyota and any type of acceleration issue?

19 JUROR HIBBERT: No.

20 THE COURT: Did you hear anything at all about
21 any type of congressional testimony that may have been
22 given on this issue?

23 JUROR HIBBERT: No.

24 THE COURT: Do you know anyone that is involved
25 in the car industry, either sells cars, or mechanic,

1 worked at GM when it was still open?

2 JUROR HIBBERT: No -- well, I take that back.
3 My uncle worked at GM, but it was like in the assembly
4 line and I worked a Lucent.

5 THE COURT: What did you do at Lucent?

6 JUROR HIBBERT: I was a line operator, just
7 basically setting up -- setting out everything, all the
8 components that went on the board.

9 THE COURT: All right. And then do you know of
10 anyone -- so obviously you were somehow involved, because
11 Lucent manufacturing, was it computers or telephones or
12 what was it about?

13 JUROR HIBBERT: We made the boards that
14 actually went into the big gray boxes on the side of the
15 road.

16 THE COURT: Okay. So did you actually -- were
17 you involved at all in designing or the programming of
18 those?

19 JUROR HIBBERT: No, we already you had our
20 spreadsheet to go off of.

21 THE COURT: You basically put it together and
22 made --

23 JUROR HIBBERT: I just looked for the numbers,
24 put the parts out.

25 THE COURT: And do you have any computer

1 experience in coding or writing programs for computers?

2 JUROR HIBBERT: Not writing, but I'm an imaging
3 specialist for an oil and gas company so I -- the coding
4 it's already set, I just follow through what's already
5 set to go off of.

6 THE COURT: So tell me what exactly do you do
7 as an imaging processor or --

8 JUROR HIBBERT: Imaging specialist. I oversee,
9 a lot of our documents are oil and gas leases, permits
10 and stuff that come through. I'm basically just -- I
11 guess you could say kind of a paperless way to do it, but
12 I actually put in some of the codes and stuff that have
13 to go in in order for it to go right back out.

14 THE COURT: But you're not involved in the
15 development of the coding, you just utilize --

16 JUROR HIBBERT: No.

17 THE COURT: Okay. All right. And what about,
18 are you at all or do you know of anyone that is involved
19 in law enforcement?

20 JUROR HIBBERT: Not anymore.

21 THE COURT: Not anymore. Who did you know at
22 one point?

23 JUROR HIBBERT: I had an aunt who was an
24 Oklahoma County Sheriff, and she was retired several,
25 several years ago, I mean, she lives in Ohio now.

1 THE COURT: What about the medical field,
2 anybody that's involved in the medical field.

3 JUROR HIBBERT: Yes, I have a cousin, she is my
4 -- gosh, just went blank. She is an anesthesiologist at
5 Children's.

6 THE COURT: And she still works?

7 JUROR HIBBERT: Yes.

8 THE COURT: And what type of car do you drive?

9 JUROR HIBBERT: I drive a Chevy Silverado.

10 THE COURT: Is that the only type of car you
11 own?

12 JUROR HIBBERT: No, I have a Chevy Silverado, a
13 Cadillac Deville, and a Ford Explorer Sport.

14 THE COURT: Have you ever owned a Toyota, or a
15 Lexus, or I think it's pronounced Scion, the S-C-I-O-N
16 cars?

17 JUROR HIBBERT: No.

18 THE COURT: Do you know anybody or does anyone
19 in your family drive one that you're aware of?

20 JUROR HIBBERT: No.

21 THE COURT: Okay. Have you ever.

22 JUROR HIBBERT: I'm a Chevy and Ford.

23 THE COURT: Have you ever had any kind of
24 warranty issues with the cars you currently own or cars
25 you've had in the past?

1 JUROR HIBBERT: No.

2 THE COURT: What about any type of recalls,
3 have you ever had any recalls?

4 JUROR HIBBERT: I believe there was a recall on
5 the Ford Explorer I had, but by the time I received it, I
6 was already in a different vehicle at the time.

7 THE COURT: Do you know anyone else on the jury
8 panel?

9 JUROR HIBBERT: No.

10 THE COURT: Have you ever been on a jury
11 before?

12 JUROR HIBBERT: No.

13 THE COURT: Have you ever been in a lawsuit
14 before?

15 JUROR HIBBERT: Small claims.

16 THE COURT: And is that pending now?

17 JUROR HIBBERT: No, several years ago.

18 THE COURT: Have you ever been a witness in a
19 lawsuit?

20 JUROR HIBBERT: No.

21 THE COURT: And you said you are an imaging
22 specialist, and do you have a husband or significant
23 other?

24 JUROR HIBBERT: I have a husband and he is a
25 supervisor over drivers for Habitat for Humanity.

1 THE COURT: Thank you very much. I'm going to
2 pass just this particular witness over to you,
3 Mr. Beasley, if you want to inquiry of the witness --
4 pardon me, of this juror.

5 MR. BEASLEY: I have no questions at this time.

6 THE COURT: All right. Mr. Jennings, you may
7 continue, then.

8 MR. JENNINGS: So Ms. Hibbert, when you say
9 you're an imaging specialist, you're talking about
10 digitizing documents, imaging them, recording --

11 JUROR HIBBERT: Storing.

12 Mr. JENNINGS: Storing them on a database of
13 some kind?

14 JUROR HIBBERT: Correct.

15 MR. JENNINGS: Understood. Okay. To carry on,
16 first, no doubt you could hear what was being said back
17 here earlier in the day by everyone who's spoken, right?

18 JUROR HIBBERT: Yes.

19 MR. JENNINGS: You know, we talked about Toyota
20 a little bit, because that's the defendant in this case,
21 but maybe we should talk about the car industry, broaden
22 it a little bit. Because, you know, in recent years the
23 car industry has been in the news somewhat, and so -- and
24 everybody's got different cars here. We've got Fords and
25 Chevy's and Hyundai and Hondas and all of that.

1 Has anybody had experiences with the car industry or
2 has anybody been affected by the press that you hear
3 about the car industry in such a way that that would make
4 it hard for you to be a good juror in this case, given
5 the fact that a car company is the defendant in this
6 case? Anybody at all?

7 Okay. You know, some people say -- some people are
8 Ford guys, you know, Chevy guys. I always have a Chevy,
9 or I always buy a Ford. Somebody might say, I'd never
10 buy a Toyota no matter what, I'm just not a Toyota guy.
11 Anybody have that feeling at all?

12 Mr. Garcia, what can you say.

13 JUROR GARCIA: I wouldn't drive a Toyota.

14 MR. JENNINGS: All right. I'm not going to
15 made the mistake of saying why. I'm just going to take?

16 JUROR GARCIA: I'm a GM guy.

17 MR. JENNINGS: I understand. And you know, you
18 ought to be, you worked for GM.

19 JUROR GARCIA: Yeah.

20 MR. JENNINGS: You don't have to buy one, you
21 just have to be a juror in this case maybe.

22 JUROR GARCIA: As long as I don't have to drive
23 one.

24 MR. JENNINGS: I promise you don't. All right.
25 But I understand, that's a good honest answer. Before I

1 zero in on you just a little bit. Anybody else have the
2 same? Mr. Brock?

3 JUROR BROCK: Purchase a Ford. That's all I
4 buy really.

5 MR. JENNINGS: Anybody else? I know we've got
6 Hyundai people here. We've got at least part-time
7 Hyundai people, they've had a Hyundai for a while.

8 So I guess I'm focused on Mr. Brock and Mr. Garcia.
9 You know what you've got to do here, you know what the
10 job is, what the oath is going to be and what your task
11 is going to be. Despite what preference you might have
12 for GM, your former employer, or another company that you
13 favor, can you do the job that we have to have done here
14 as a juror, follow the oath that the Court gives you and
15 apply the law of this state to the facts, and you decide
16 fairly.

17 JUROR GARCIA: Yes.

18 MR. JENNINGS: Can you do that?

19 JUROR BROCK: Yes.

20 MR. JENNINGS: Appreciate it. Another name
21 that you're going to hear maybe at some point in this
22 case is Dub Richardson. Who hasn't heard the name Dub
23 Richardson around here over the last 20, 30, 40 years. A
24 dealership here which sold this vehicle which is the
25 subject of this case. They've been involved in this

1 case. Anything about that? Anybody have a -- any
2 dealings with Dub Richardson that would make it hard for
3 you to deal with a case in which they are involved in any
4 way? Ms. Russell, anything at all about that?

5 JUROR RUSSELL: It all depends on what's said,
6 evidence.

7 MR. JENNINGS: Sure. I appreciate that.
8 That's what this is all about, evidence. But, do I
9 detect in what you've said any history that you might
10 have with Dub Richardson that might be important to talk
11 about at this stage? Anything at all?

12 JUROR RUSSELL: No, not really.

13 MR. JENNINGS: Okay. Well, when you say, no,
14 not really, I think maybe really. And I need to ask you
15 about it. Is there something about that that probably
16 ought to come out? Because their name is going to come
17 up. And they are a Toyota dealer.

18 JUROR RUSSELL: No, I mean, to me, car dealer
19 is a car dealer, you know, you deal in cars. And I do
20 believe they ought to be responsible for what they are
21 selling.

22 MR. JENNINGS: And they are, you'll get the law
23 on that, so you won't be a lone wolf on that, if that's
24 what you think. But whatever you think about it, can you
25 follow the law that this lady in the black robe gives you

1 to the facts that you decide as a juror and come back
2 with a verdict in this case and do it fairly, can you do
3 that?

4 JUROR RUSSELL: Yes.

5 MR. JENNINGS: Appreciate it. Now, all of
6 these companies that we're talking about are
7 corporations. Toyota is a corporation. It's in the
8 name, Toyota Motor Corporation it's a corporation and
9 it's a big corporation. No question about it.

10 Now, in this day and time you hear a lot about
11 corporations. You know, back years ago when I was a kid,
12 the bad guy in the media was, you know, the Russians or
13 something like that. It was the Cold War. These days
14 you hear a lot about corporations.

15 Does anybody have such feelings about corporations
16 that the fact that we've got a corporation that is a
17 defendant here is going to make it tough for you to do
18 the job that you're being asked to do here at all? Ms.
19 Potter, my eyes happened to land on you.

20 JUROR POTTER: No, I just listen to the
21 evidence.

22 MR. JENNINGS: That's all anybody can ask.
23 Ms. Andrade, same with you.

24 JUROR ANDRADE: No problem.

25 MR. JENNINGS: Same for everybody I guess,

1 okay? All right.

2 You know, the reason I bring that up is because
3 we've heard about banks, you know, anybody with a
4 television or a radio or who comes across the newspaper
5 in the last several years has heard about banks and
6 companies like AIG and all of that. And so there's
7 reason to be concerned about that. But does any of that
8 impact your thinking in such a way that it would make it
9 tough for you to be fair? Ms. Powell, anything?

10 JUROR POWELL: Well, I was thinking, I don't
11 like big corporations.

12 MR. JENNINGS: Who does?

13 JUROR POWELL: Because the little guys don't
14 win. That's just my feeling about that.

15 MR. JENNINGS: I understand. You know, in the
16 law, a corporation is a person in the same way you are.
17 And you're going to get instructions from the Judge about
18 that. And so I guess the ultimate questions becomes, can
19 you say, okay, I've got an individual here, I've got
20 Mrs. Bookout, a very nice lady who's the plaintiff, and
21 I've got a defendant who's Toyota, a big corporation, can
22 I weigh this out evenly based on the evidence, or am I
23 just I going to kind of come at it with a certain point
24 of view. So that's my question to you. What are you
25 going to do?

1 JUROR POWELL: I'm going to come at it with a
2 point of view.

3 MR. JENNINGS: And I'll -- let me ask you the
4 same question that I asked Mr. Dumbell a few minutes ago.
5 I guess, to be fair, everybody here is going to come at
6 it with a certain point of view. You've been around for
7 30, 40, 50, 60 years, you have some background that
8 influences your thinking.

9 JUROR POWELL: Right.

10 MR. JENNINGS: I've got a point of view about a
11 lot of things. You do, too. The question is can you set
12 it aside well enough to do the job that we have here, or
13 do you just have to fess up and say, you know, I'm afraid
14 it would make it really hard for me to be a juror in this
15 case. What do you think?

16 JUROR POWELL: I think I could.

17 MR. JENNINGS: I think you can do it?

18 JUROR POWELL: I think I can do it.

19 MR. JENNINGS: That's the task. And so all we
20 know about it is what you and Ms. McCaskill and everybody
21 else tells us about this. And so, fair enough. We'll go
22 with that.

23 Anybody else have any feelings of the type that
24 Ms. Powell has been talking about that would be so big
25 and so important that it would be really hard to be a

1 juror in this case? I've been making eye contact with
2 lots of people here. Ms. Sampson, for this one thing,
3 any problem there with you?

4 JUROR SAMPSON: Me?

5 MR. JENNINGS: Yes, ma'am. Along the lines of
6 what we just talked about?

7 JUROR SAMPSON: No.

8 MR. JENNINGS: All right. Let's move on.
9 You've heard a little bit about the accident, which is
10 the subject of this case, but just a little bit. You're
11 going to hear more about it as you go along. And so let
12 me ask you a few things that relate to the accident
13 itself. The kind of accident, the kind of vehicle, the
14 kind of place, the location, and so forth. And see where
15 that leads us.

16 We know from what's been said that Mrs. Bookout and
17 her close friend for 40 plus years, Barbara Schwarz were
18 heading to Mrs. Schwarz's lake house at Lake Eufaula when
19 this accident happened back on September 20, 2007. I'm
20 sure all of us have at least a general idea of where Lake
21 Eufaula is, even if you don't go there with any
22 regularity, but let me ask it this way.

23 Has anybody got a lake house at Lake Eufaula or does
24 anybody go down there with any regularity. Ms. Potter?

25 JUROR POTTER: My mother-in-law does.

1 MR. JENNINGS: Where in that area -- is it your
2 mother.

3 JUROR POTTER: My mother-in-law.

4 MR. JENNINGS: Where does she have her lake
5 house.

6 JUROR POTTER: Just right down Texana Road
7 going east.

8 MR. JENNINGS: So if you go -- if you go south
9 on Highway 69 off of I-40 and you come to Texana Road and
10 go -- and exit just like Ms. Bookout did and go east,
11 then you'll go to your mother-in-law's place.

12 JUROR POTTER: Right.

13 MR. JENNINGS: Because before very long you run
14 into the lake right over there, right?

15 JUROR POTTER: Yeah.

16 MR. JENNINGS: Have you made that drive before?

17 JUROR POTTER: Many times.

18 MR. JENNINGS: So when it came up that this is
19 -- that's where this accident happened, that struck a
20 cord with you and an image of the location came to mind,
21 I presume, right?

22 JUROR POTTER: Yes.

23 MR. JENNINGS: Tell me about that, what came to
24 mind?

25 JUROR POTTER: Well, getting off the highway,

1 you said you hit a hill, because we go up and under the
2 bridge to go to our place. So I mean, it's basically I
3 know where it happened.

4 MR. JENNINGS: Do you remember that exit where
5 you come right off there at Texana Road?

6 JUROR POTTER: Yes.

7 MR. JENNINGS: When you go to your
8 mother-in-law's place on the lake, do you drive west on
9 I-40?

10 JUROR POTTER: We drive east.

11 MR. JENNINGS: You drive east on I-40 and then
12 you turn south on Highway 69.

13 JUROR POTTER: I go to Texana Rode, we go
14 around by the lake.

15 MR. JENNINGS: Okay. But you know where Texana
16 Road is.

17 JUROR POTTER: Right.

18 MR. JENNINGS: Is that a little farther south
19 from the road that you take?

20 JUROR POTTER: We take -- we are on Texana Road
21 -- yeah, right.

22 MR. JENNINGS: So when you come off of 69, do
23 you take the exit onto Texana Road?

24 JUROR POTTER: Uh-huh.

25 MR. JENNINGS: I'm with you. Okay. So when I

1 show pictures in this trial of that location, you're
2 going to know what I'm talking about.

3 JUROR POTTER: Yes.

4 MR. JENNINGS: That's going to be very familiar
5 to you. What do you remember about that exit?

6 JUROR POTTER: Just an exit. I've been down
7 there hundreds of times, just an exit.

8 MR. JENNINGS: Just a long, straight exit down
9 to Texana, right?

10 JUROR POTTER: (Indicating.)

11 MR. JENNINGS: Yes.

12 JUROR POTTER: Yes.

13 MR. JENNINGS: She is taking down what we're
14 saying, so she'll get after us if we don't say it that
15 way.

16 Okay. And so then you get to the bottom and you've
17 got to go left or right.

18 JUROR POTTER: Right.

19 MR. JENNINGS: Okay. I understand. Have you
20 ever seen any accidents there, any vehicles piled up?

21 JUROR POTTER: No.

22 MR. JENNINGS: Noticed any skid marks on the
23 road or anything like that?

24 JUROR POTTER: (Indicating.)

25 MR. JENNINGS: Okay. This is a case in which

1 the accident occurred late in the day, a little towards
2 sundown. Ms. Bookout made a mistake, apparently
3 confused.

4 MR. BEASLEY: Judge, are we trying this case?
5 I object to that. There's a lot more to it to be said.

6 MR. JENNINGS: My question is --

7 THE COURT: Get to the question.

8 MR. JENNINGS: My question to you is this.
9 Given your knowledge of the location that we have here,
10 have you heard of anything like this happening there on
11 any other occasion?

12 JUROR POTTER: No, I have not.

13 MR. JENNINGS: You don't know about any other
14 accidents that have occurred at that location? Okay.
15 Are you familiar with -- let me broaden it, because we've
16 talked a little bit, and so let me broaden the scope of
17 this.

18 Does anybody else have a place or have a close
19 relative or friend that has a place at Lake Eufaula?
20 Anybody go to Lake Eufaula on a regular basis at all?
21 I'm getting some nodding heads.

22 JUROR HIBBERT: Not on a regular basis. I'm
23 usually just a passenger, so if you ask me what road or
24 which way, I could not tell you. I just know we hit the
25 water and I'm there.

1 MR. JENNINGS: Ms. Andrade.

2 JUROR ANDRADE: I'm the same way, I mean, I
3 don't know what road when we exit. We always exit, we
4 have to turn back east and turn left on the corner. I
5 don't know what the roads are.

6 MR. JENNINGS: One of the locations that we're
7 going to be talking about in this case is Snug Harbor.
8 It's way south of where your place is, your
9 mother-in-law's place is, on down to the lake and through
10 Eufaula. Anybody know that area at all?

11 You know, in cases like this it becomes clear and
12 unavoidable, I guess, that we all have something in
13 common. We know something about the subject because we
14 all drive, we have cars, and we know something about
15 driving, we know something about cars. At least that's
16 almost always true. Is everybody here a licensed driver?
17 Anybody who's not?

18 You know, we've all had -- we have that in common.
19 And we have in common the fact that we've had some
20 training of the same type, you know, you push on the
21 accelerator to speed up, push on the brake to slow down,
22 and put your hands on the steering wheel to steer. And
23 all of us have made mistakes. Would anybody here say as
24 a driver you just never about made a mistake? I just
25 haven't done something that I wish I hadn't done?

1 Anybody have that feeling at all?

2 Because it happens, maybe daily. Fortunately most
3 of us get by with it. But do you we all share that
4 experience?

5 Has anybody had the experience of -- either had the
6 experience or know of someone who has had the experience
7 of making a mistake while driving and put your foot on
8 the wrong pedal? Anybody had that experience at all?
9 Ms. Stiger-Monaham.

10 JUROR STAGER-MONAHAN: We as a kid that was --
11 I've done it more than I care to admit, run a red light
12 when it was green, stepping on the accelerator, I had a
13 car that the carpet would get caught underneath the
14 accelerator and you couldn't -- it would accelerate and
15 your foot wouldn't be on it. The carpet got in the wrong
16 spot and I got really fast at moving that carpet. So
17 yes, I've had that happen.

18 MR. JENNINGS: Appreciate that. Anybody else?
19 Ms. Russell?

20 JUROR RUSSELL: Yes, my cousin had when she
21 was, well, what I considered young, she was 60, and but
22 she hit the wrong pedal but she had a problem with
23 dementia was hitting her early, and she couldn't
24 remember.

25 MR. JENNINGS: And so what did they do, what

1 happened to her?

2 JUROR RUSSELL: Well, they put her on some
3 medicine, you know.

4 MR. JENNINGS: I mean, in the driving instance
5 that you're talking about.

6 JUROR RUSSELL: Oh, she ran into a building.

7 MR. JENNINGS: And that was caused by her doing
8 what?

9 JUROR RUSSELL: She put her foot on -- she
10 called herself parking and she put her foot on the
11 accelerator instead of the brake and she hadn't put the
12 car in gear.

13 MR. JENNINGS: Anybody ever had the experience
14 of forgetting to put the car in park when you drive and
15 stop somewhere? Ms. Cross. Anybody? Mr. Henson is
16 shaking his head and Mr. Sperling is as well. It's
17 easier to do all the time, you know, with these automatic
18 ignitions that some of these cars have. But you know
19 what I'm talking about? Just -- you're nodding your
20 head.

21 JUROR SPERLING: Yes.

22 MR. JENNINGS: And the court reporter over here
23 is looking at me with a dirty look, I think. Yes, ma'am,
24 Ms. Hibbert.

25 JUROR HIBBERT: I don't know if it's like that

1 or anything but I have had a gas pedal that stuck on me.
2 And, I mean, I'm hitting the brake and it's not lifting
3 and I'm using the bottom of my foot to lift that back up
4 to and throw it in neutral. Finally I can get the brake
5 to take hold of it. It was a Ford Explorer.

6 MR. JENNINGS: When was it?

7 JUROR HIBBERT: That was back in, I would say
8 2003, 2004. That was quite an experience.

9 MR. JENNINGS: I'm sure it was. And that kind
10 of brings up another point. Has anybody ever, other than
11 that, and that's an example of what just what I'm asking
12 about, anybody else had a situation where you were
13 driving and you thought the car was misbehaving, it
14 didn't do the right thing? I mean, it was causing your
15 heart to pound because something squirrely is happening
16 with this car while you're driving. Has anybody had that
17 happen at all? Okay. But that was, that was --

18 JUROR HIBBERT: It was a Ford Explorer.

19 MR. JENNINGS: Understood. And that didn't
20 have to do with the electronic -- did it have an
21 electronic throttle or do you know?

22 JUROR HIBBERT: I couldn't tell you. I got rid
23 of it.

24 MR. JENNINGS: But that had to do with the
25 pedal, though, right?

1 JUROR HIBBERT: Yes, it was the gas pedal.

2 MR. JENNINGS: There is a distinction there
3 that you'll be hearing more about as this case goes on.

4 Let me ask you this question. Anybody ever had the
5 experience of applying a parking brake while you're
6 driving? I mean, while the vehicle is in motion.

7 JUROR STIGER-MONAHAN: What was the question?

8 MR. JENNINGS: Has anybody had experience of
9 pulling the parking brake, some of them are on the
10 console, you know, and that's what we're going to have in
11 our case, pulling that while you're driving, either
12 pulling it or stepping on it? And I'm getting a wave
13 from Ms. Sampson here. Yes, ma'am.

14 JUROR SAMPSON: Well, when I was in college my
15 brakes went out while I was driving down the road and so
16 I had to pull my emergency brake. It worked, but.

17 MR. JENNINGS: Where were you when you did
18 that?

19 JUROR SAMPSON: In Bethany, on 23rd Street.

20 MR. JENNINGS: And you're brakes went out just
21 all the sudden?

22 JUROR SAMPSON: Yeah, I don't know what it is,
23 my dad did something, I mean, I'm sure it wasn't the
24 manufacturer or anything like that. I don't know.

25 MR. JENNINGS: How fast were you going when you

1 did that?

2 JUROR SAMPSON: I don't know, probably, 35 is
3 the speed limit, probably what was going. I don't know.

4 MR. JENNINGS: What happened when you pulled
5 the parking brake?

6 JUROR SAMPSON: It took a little bit but my car
7 stopped.

8 MR. JENNINGS: Anybody ever heard the term
9 bootlegger turn, moonshiner turn, that kind of thing?
10 Where you -- maybe bat turn would be the better term.
11 Yes, ma'am, Ms. Hibbert.

12 JUROR HIBBERT: Yes, when you spin, or your
13 back tires go kind of in a half circle.

14 MR. JENNINGS: This is a loaded question and I
15 probably shouldn't ask it. Has anybody ever done that,
16 ever seen that happen or been in a car when that
17 happened? Well, maybe we'll hear some more about that
18 kind of thing as this case goes on.

19 You know, all of us -- not all of us, but a lot of
20 us, and I know a lot of hands went up earlier when we
21 were talking about whether people had been involved in
22 accidents or not. And most of us have been involved in
23 some kind of accident over the years. That is another
24 thing that we all have in common here, despite the fact
25 we're strangers. We've either been driving when a car

1 had a wreck or a passenger when one has a wreck.

2 Anybody ever involved in a wreck that you thought
3 was caused by the car not by the driver? Either in the
4 car you're in or some other car, but was caused by the
5 car. Anybody have that experience?

6 Okay. There is been mention made of NHTSA, you'll
7 hear throughout this trail N-H-T-S-A, that the National
8 Traffic Highway Safety Administration, which regulates
9 cars. There are a couple of regulations relating to cars
10 that you'll be hearing about in this case. And I think
11 when you were asked earlier everybody said you had had
12 any dealings with NHTSA. Did anybody say that there was
13 any kind of history with them?

14 Okay. Well, let me ask the question this way. Is
15 anybody involved, perhaps those of you in the health care
16 business, for example, involved in a business where you
17 have regulations, federal government regulations that you
18 have to deal with in your work? I'm getting a nodding
19 head from Ms. Medlin. Tell me about that.

20 JUROR MEDLIN: Joint Commission and audits
21 surrounding it, we have certain guidelines.

22 MR. JENNINGS: Are those government regulations
23 that you have to meet?

24 JUROR MEDLIN: I think so.

25 MR. JENNINGS: Okay. And are you involved in

1 complying with those government regulations?

2 JUROR MEDLIN: Yes.

3 MR. JENNINGS: And so, I don't know about those
4 regulations. I know about some others, but I don't know
5 about those. But those are -- those are absolutely --
6 absolute requirements, I presume, aren't they?

7 JUROR MEDLIN: Yes, sir.

8 MR. JENNINGS: Okay. You can't do less, you
9 have to do exactly what the regulation requires, right?

10 JUROR MEDLIN: Yes.

11 MR. JENNINGS: Anybody else have that kind of
12 work? Mr. Stiger-Monahan.

13 JUROR STIGER-MONAHAN: Yes, we have regulations
14 with, food regulations, with OSHA, wage and labor things
15 that we are required, regulations that we have to adhere
16 to in retail, or any business.

17 MR. JENNINGS: And is that -- when it says
18 regulation, I mean, that means, at least in your mind,
19 law, doesn't it, I mean, you have to do this?

20 JUROR STIGER-MONAHAN: Correct.

21 MR. JENNINGS: And so it's a -- it's an
22 absolute requirement, correct?

23 JUROR STIGER-MONAHAN: Nonnegotiable.

24 MR. JENNINGS: Appreciate it. Mr. Sperling,
25 you shot up a hand, too,

1 JUROR SPERLING: Yes, Environmental Protection
2 Agency, Department of Transportation, OSHA, Bureau of
3 Land Management. You name it.

4 MR. JENNINGS: When people talk about those
5 regulations, do they talk about them as minimum
6 standards?

7 JUROR SPERLING: Some corporations do.
8 Certainly not mine.

9 MR. JENNINGS: In any event, you've got to meet
10 it, right?

11 JUROR SPERLING: Yes.

12 MR. JENNINGS: Whatever the requirement is you
13 have to do it.

14 JUROR SPERLING: Yes.

15 MR. JENNINGS: And do you try to do more than
16 is required by that?

17 JUROR SPERLING: Many times, yes.

18 MR. JENNINGS: Okay. I understand. And I saw
19 another hand go up. Ms. McCaskill.

20 JUROR MCCASKILL: I'm actually the regulatory
21 side. I work for the -- we regulate radioactive material
22 and x-rays, and so, we follow -- we incorporate most of
23 our regulations from the federal regulations, the Nuclear
24 Regulatory Commission.

25 MR. JENNINGS: So you know about complying with

1 regulation as well.

2 JUROR MCCASKILL: Yes.

3 MR. JENNINGS: I think I saw another hand.

4 Ms. Andrade.

5 JUROR ANDRADE: Yes --

6 THE COURT: I'm sorry, could you speak up?

7 JUROR ANDRADE: I work at a bank, like it's all
8 regulations and compliance.

9 MR. JENNINGS: You know, I'm glad you said that
10 because if you have said earlier today where you worked,
11 I missed it, and so I need to understand that. Where do
12 you work?

13 JUROR ANDRADE: I work at Arvest Bank.

14 MR. JENNINGS: You have said that. I remember
15 it now. And what's your position at Arvest bank.

16 JUROR ANDRADE: I'm an administrative assistant
17 in our commercial lending area.

18 MR. JENNINGS: Do you work downtown here?

19 JUROR ANDRADE: We do have a location just
20 across the street where I went for lunch, but I actually
21 work off 164th and Penn.

22 MR. JENNINGS: So being in the banking business
23 you really know about regulations then, don't you?

24 JUROR ANDRADE: I do.

25 MR. JENNINGS: Did anybody else shoot up a hand

1 when we were having this conversation? Okay.

2 What else. Oh, here's -- initials are going to be

3 used throughout this trial. You'll learn them before

4 long and it will shorten the discussion, probably.

5 National Highway Traffic Safety Administration will

6 become NHTSA. Unintended acceleration, which is what's

7 alleged here will in some conversations maybe become UA.

8 There's another one that you folks probably already know

9 about. NASA. N-A-S-A. Let me see if I can say it.

10 National Aeronautics and Space Administration.

11 Everybody -- let me put it this way. Has anybody

12 not heard that? There will be evidence in this case

13 about some work that NASA has done on this UA question

14 that we're dealing with in this case.

15 Anybody heard about that at all? I know that a

16 couple of you -- let me see if I can remember who -- I

17 know Ms. Stager-Monahan mentioned that she had heard

18 something about this, and maybe Ms. Cross, you had said

19 that you had heard something in the past about what we're

20 now calling UA.

21 In the course of the reports that you've heard, have

22 you ever heard anything about NASA or any studies that it

23 did?

24 JUROR STAGER-MONAHAN: No.

25 MR. JENNINGS: Anybody an astronaut or have any

1 astronauts in your family? Okay. We'll talk more about
2 that later.

3 So I can tell from talking to a number of you, in
4 fact, most of you, that the federal government, if not
5 the federal government, then the state government for
6 sure has some role in the businesses that you're involved
7 in. And so we're going to be talking about that, things
8 that the government does, the way that the government
9 does, and the relationship of the government with the
10 companies that are involved in this case, in particular
11 Toyota.

12 And you'll probably hear it suggested that there is
13 essentially a conspiracy between the government and
14 outfits like Toyota, they just kind of gloss over things
15 and not do things right. Anybody have any notions about
16 the relationship between the US government and companies
17 like Toyota when it comes to safety issues? About
18 whether they are involved in some kind of conspiracy to
19 not do the right thing? Anybody have any thoughts or
20 feelings about that at all?

21 Ms. Grogg, you're way over there in the corner and I
22 haven't even made eye contact with you and I should have.
23 Do you have any thoughts or feelings or inclinations
24 about what I just mentioned at all? Anybody at all? All
25 right. Thanks.

1 I bring that up because one of the things you're
2 going to have to do as jurors in this case is take a
3 really hard close look, I mean, really hard close look at
4 some evidence, and separate facts from fiction, decide
5 what the truth is. Anybody as you sit here at this
6 moment have any reason to think that you can't do that?
7 That you're not up to that? Good. Thank you. Because
8 that will come up.

9 Let me go back to something that was mentioned
10 earlier. That's burden of proof. I've mentioned it,
11 Mr. Beasley mentioned it, it's about what a plaintiff in
12 a lawsuit like this has to prove to go from point A to
13 point B.

14 In the process of doing that, it turns out that
15 there are going to be conflicts between what people have
16 to say. There will be a lot of witnesses testify in this
17 case and there's going to be a lot of conflict between
18 what they say. There will be not only experts, and we'll
19 talk about those in a minute, but there will be
20 individuals, just lay witnesses, who are going to talk
21 about this, about what they saw, what they heard, what
22 they smelled, what they felt when they were at the
23 location where this crash occurred on that exit ramp over
24 at Texana Road.

25 And so your job will be to decide what the truth is.

1 And certainly to decide whether the burden of proof has
2 been met. So can everybody do this? Knowing that this
3 is coming and that this is the task at hand, can
4 everybody look at this evidence, I mean, hard, and with a
5 critical eye towards deciding what the actual truth is?
6 Can everybody do that?

7 Who -- let me ask you this. I'll just ask it this
8 way. My eyes land on Ms. McCaskill, so I'll ask you just
9 to begin the discussion. You know, situations where
10 somebody says something -- just pick an example -- this
11 doesn't apply to this case. The man ran the red light.
12 You say, what happened? Well, the man ran the red light.
13 Well, did you see the car? Well, no. Did you see the
14 red light? Well, no. So you really don't know that the
15 man ran the red light. Do you know what I'm saying?
16 It's that kind of thought process. Can you engage in
17 that kind of critical analysis of what people have to say
18 in this case for the purpose of trying to ferret out the
19 real truth.

20 JUROR MCCASKILL: Well, I'm an inspector, so
21 that's kind of what I do on a daily basis. So, yes.

22 MR. JENNINGS: Well, it's fortuitous I guess
23 that I ask you. Tell me how that works in your business.

24 JUROR MCCASKILL: People that have sources of
25 radioactive material, which in the state ranges from

1 industrial to medical nuclear tests, they have to have a
2 license, and get through our agency and, so we issue them
3 licenses based on them telling us that they are going to
4 follow the regulations that we have in place. And then
5 we go to their facility and inspect what they are doing
6 based upon their license and regulations. Make sure that
7 they are following the regulations as they should be.

8 MR. JENNINGS: That's a lot like what's going
9 to go on in this case. In your business you have to find
10 out what the facts are, right?

11 JUROR MCCASKILL: Right.

12 MR. JENNINGS: And you have to know what the
13 rules are and you have to apply the rules to the facts to
14 reach a conclusion, right?

15 JUROR MCCASKILL: Uh-huh.

16 MR. JENNINGS: Then you should find this work
17 in this case familiar, because that's the kind of thing
18 you're going to be doing.

19 You know, when I say -- when I tell you there are
20 going to be conflicts on what people have to say, I have
21 to take it to the next level and say, therefore, you have
22 to say in effect, not literally, but in effect to
23 someone, you know, you're just wrong. You don't have to
24 talk to anybody, don't misunderstand, but in your verdict
25 and in the findings that you make, you have to in effect

1 say, you know, that is just wrong. Can anybody not do
2 that? Ms. Collett, any reason that you couldn't take
3 that step and make that happen if you had to do it? Mr.
4 Sheppard, same with you?

5 JUROR SHEPARD: Yes.

6 MR. JENNINGS: Because it is coming. It's
7 going to happen in this case. And part of that comes up
8 in this sense. There is a context to what people say.
9 This probably relates to what Ms. McCaskill was talking
10 about earlier. When someone says something, it's said in
11 a context. It may not make sense in some other context,
12 but in the context in which the discussion is taking
13 place, it does.

14 And so, can you think to yourself, when someone
15 quotes somebody else, I have to think about when, where,
16 why and how it was said. Can you do that?

17 A little bit about the car. Nobody's owned a 2005
18 Camry. Anybody in this group ever owned a 2005 Camry?
19 The same car essentially was made from -- see if I can
20 remember this, 2002 to 2006, the model series. We're in
21 2005. Anybody own a Camry within that model series?
22 Anybody -- I thought you were going to say yes, because I
23 saw --

24 JUROR GARCIA: No, an itch.

25 MR. JENNINGS: Anybody have a friend that has

1 one. Ms. Cook?

2 JUROR COOK: My exfiancee has one.

3 MR. JENNINGS: Still?

4 JUROR COOK: Uh-huh.

5 MR. JENNINGS: Have you ridden in that car?

6 JUROR COOK: Uh-huh.

7 MR. JENNINGS: Is that a yes.

8 JUROR COOK: Yes, sorry.

9 MR. JENNINGS: I appreciate you telling me
10 that. Have you ridden in it a lot.

11 JUROR COOK: Until I kicked him out, yeah,
12 until about four years ago.

13 MR. JENNINGS: In that experience, anything
14 happen didn't look right? Anything inappropriate with
15 car, I mean, not with the man, but with the car?

16 JUROR COOK: With the car, no.

17 MR. JENNINGS: As far as you know it worked all
18 right every time.

19 JUROR COOK: To the best of my knowledge, yes.

20 MR. JENNINGS: It didn't just suddenly and
21 without intention accelerate, take off, drive away or
22 anything like that?

23 JUROR HIBBERT: No.

24 MR. JENNINGS: You know, most of you have
25 pretty modern cars based on what you've said so far.

1 Like all of us, a lot of you have two or three of them
2 and they range over a period of time. But recent vintage
3 cars have computers that control a number of things. And
4 you were discussing this earlier with the lawyer for the
5 plaintiffs in this case.

6 Even in these cars that are, as they put it
7 controlled by computers, everyone of them in my
8 experience, and I'm sure in yours, still that is an
9 accelerator and a pedal, and a pedal for a brake, right,
10 and an emergency brake? I keep saying that, emergency
11 brake. It's a parking brake. But you know what I'm
12 talking about?

13 So there are computers in there, but when it comes
14 to steering, you still do it with your hands. Do you
15 remember when they taught you in driver's ed 10 and 2,
16 that's the way you do it. And you still put a foot on
17 the accelerator to make it go and a foot on the brake to
18 make it stop. Has that been everybody's experience?

19 Okay. I do want to talk to you about -- it's
20 getting late, I don't want to waste your time and I'm
21 watching the clock, I promise you. But I do need to talk
22 to you about expert witnesses, because there are going to
23 be a bunch of them that are going to testify in this case
24 in a lot of different fields.

25 And while we're having this conversation about

1 experts, I want you to be aware what we said earlier
2 about having to look at what people say with a critical
3 eye, okay? Because you guys are the ones who ultimately
4 decide the facts of the case. We'll have people talking
5 about accident reconstruction, two of them. Meaning
6 where the vehicle went, what path it took, what the speed
7 was, what the forces were, what the impact speed was,
8 that kind of thing.

9 Has anybody ever dealt in any way with a person
10 doing an accident reconstruction of that type, either as
11 a witness in some of the cases that you might have been
12 in, or in a case where you were a juror or anything else?
13 Anybody have any experience with that?

14 JUROR SPERLING: Not as a witness or a juror.

15 MR. JENNINGS: I think you mentioned this
16 earlier.

17 JUROR SPERLING: Right.

18 MR. JENNINGS: To some extent in your business
19 you have to reconstruct accidents, right?

20 JUROR SPERLING: Yes.

21 MR. JENNINGS: Do you reconstruct vehicular
22 accidents?

23 JUROR SPERLING: Yes.

24 MR. JENNINGS: Involving speeds and forces and
25 things of that sort?

1 JUROR SPERLING: Yes.

2 MR. JENNINGS: Then you will find this
3 interesting, because there will be some people talking
4 about this in some detail during the trial of this case.
5 We'll come back to this. What about automotive design?
6 You know, one of the subjects and probably of this
7 discussion is going to take me to Mr. Brock because I
8 know you've got automotive experience, but what about the
9 design of an automobile? Who in this group, if anybody,
10 has been involved at all in the process of designing any
11 aspect of a car? Anybody at all?

12 Mr. Brock, in your business in dealing with hot rods
13 that you mentioned earlier or as a mechanic, do you in
14 some sense become involved in the design of automobiles?

15 JUROR BROCK: We swap out a motor to make it
16 faster and stuff. Design after market parts.

17 MR. JENNINGS: So you're dealing with actually
18 mechanics, mechanical work but a high level?

19 JUROR BROCK: Yeah.

20 MR. JENNINGS: And somebody else is actually
21 designed the parts that you're working with, right?

22 JUROR BROCK: Yes.

23 MR. JENNINGS: You'll find this discussion
24 interesting too because you're going to hear from people
25 that actually design automobiles.

1 Computers we've talked about that a lot.

2 Medical doctors, they will testify. We know about
3 Ms. Medlin, we know about Ms. Cook and the work that
4 you've done in the medical field.

5 Let me ask you this, to both of you ladies who are
6 in the medical business, have you had occasion in your
7 work to take medical histories from people? Sit down
8 with a patient and say, how do you doing?

9 JUROR MEDLIN: I have to do that with every
10 patient. I do an initial evaluation and the history is
11 how you figure out how they were injured or what's going
12 on with them.

13 MR. JENNINGS: Ms. Cook, is not pretty much
14 that way with you as well?

15 JUROR COOK: Pretty much. When I have my own
16 patients when I was a message therapist, so I have to
17 take a detailed H&P to make sure that, you know, exactly
18 what's wrong, what the doctor's telling me to do, so not
19 to injure the patient any further.

20 MR. JENNINGS: That's always the way it works,
21 isn't it? I'm no doctor, but I've been to a doctor, and
22 so you go in and they ask you what's up. What's your
23 history, what are your symptoms, and then they make a
24 diagnosis and they tell you about it after some tests
25 have been run, right?

1 JUROR COOK: Right.

2 MR. JENNINGS: So you'll know what these
3 witnesses are talking about in this case when they talk
4 about these things because it's coming down the pike.
5 You'll see this kind of thing.

6 Let me ask you this. I think this is important
7 because when it comes to these experts witnesses, I think
8 you can anticipate that there will be vigorous
9 cross-examination of these people. Respectful, but
10 vigorous and serious cross-examination of these people
11 dealing with really fundamental questions. Are you
12 qualified, is your work that you've done in this case
13 scientific and does it make sense?

14 Do you think that in a case like this when these
15 kinds of claims are made that it's appropriate and fair
16 for somebody like me, or Mr. Bibb, Mr. Clark or
17 Mr. Teague to do that in a case like this? I mean, to
18 vigorously cross examine the experts on the other side?
19 does that sound fair and reasonable to you?

20 JUROR COOK: Yeah.

21 MR. JENNINGS: I mean, you've got to do it the
22 right way. I understand, you have to be fair and you've
23 got to follow the law, but you have to be direct and you
24 have to do it seriously, all right.

25 I bring that up because you're going to be asked to

1 conclude ultimately by me and by my colleagues that some
2 of these people haven't been qualified, they haven't been
3 thorough, and they haven't been scientific.

4 MR. BEASLEY: We're going to object.

5 THE COURT: Sustained. Ask a question.

6 MR. JENNINGS: That is the question the if --
7 if --

8 THE COURT: Don't argue the case, just ask a
9 question.

10 MR. JENNINGS: I'm just going to ask them if
11 they can do that.

12 THE COURT: Just ask the question.

13 MR. JENNINGS: When asked to analyze and decide
14 whether these people have been scientific about it, can
15 you do that, can you make that judgment as juror in this
16 case?

17 Just a couple of quick items and I'll wrap up here.

18 Actually, Your Honor, I think I have wrapped up.

19 MR. BEASLEY: Very short follow up with a
20 couple of questions.

21 THE COURT: I do not allow follow up.

22 MR. JENNINGS: Pass the jury for cause.

23 THE COURT: All right. Ladies and gentlemen,
24 it is now five minutes until 3, I'm going to take our
25 noon -- pardon me -- our afternoon recess at this point

1 in time and give the attorneys an opportunity to talk
2 before they actually have to exercise their preemptory
3 challenges, so we will be in recess until about 3:15.
4 That is right at 20 minutes. At the end of the recess,
5 again, if you'll gather right outside my courtroom my
6 bailiff will bring you in.

7 Also I allow you to bring drinks into my courtroom
8 as long as they have a lid or if you get a bottle with
9 a cap on it. So we'll in recess.

10 Again I'll remind you, do not discuss the case, do
11 not to form any opinions about the case. We'll be in
12 recess until about 3:15. All rise while the jury exits.

13 (RECESS TAKEN; AFTER WHICH THE FOLLOWING
14 PROCEEDINGS WERE HAD WITHIN THE HEARING OF THE JURY AS
15 FOLLOWS:)

16 THE COURT: We are back on the record in
17 CJ-2008-7969, members of the jury are present, as well as
18 counsel and their clients.

19 Ladies and gentlemen of the jury, I'm going to read
20 to you the six names that have been excused as jurors in
21 this particular case. If you will please stay seated
22 until I have read all of the names.

23 Geneva Powell, Travis Brock, Debra Russell, Harold
24 Garcia, Junior, Eric Spelling and Terese Cook. If the
25 six of you as well as those in the back of the courtroom

1 would please check back in at the jury assembly room.
2 It's my understanding they may not need any more jurors
3 but they need to see you to collect your badges, so thank
4 you for being over here this afternoon. And if you'll
5 please now go back to the jury assembly room where you
6 checked in this morning.

7 (Court reseats jurors.)

8 THE COURT: Ms. Medlin, starting with you, so
9 that I can now correct my seating chart, would you each
10 go through one more time and state your names please?

11 JUROR MEDLIN: Erin Medlin.

12 JUROR HIBBERT: Shannon Hibbert.

13 JUROR STIGER-MONAHAN: Shannon Stiger-Monahan.

14 THE COURT: I'm sorry, Ms. Medlin, I apologize,
15 Ms. Grogg. My seating chart is completely messed up.
16 Ms. Grogg, let me start with you.

17 JUROR GROSS: Sumar Gross.

18 JUROR MCCASKILL: Elizabeth McCaskill.

19 JUROR SAMPSON: Michelle Sampson.

20 JUROR CROSS: Pamela Cross.

21 JUROR ANDRADE: Pamela Andrade.

22 JUROR HENSON: John Henson.

23 JUROR POTTER: Vickie Potter.

24 JUROR COURTRIGHT: Kathryn Courtright.

25 JUROR MEDLIN: Erin Medlin.

1 JUROR HIBBERT: Shannon Hibbert.

2 JUROR STIGER-MONAHAN: Shannon Stiger-Monahan.

3 JUROR SHEPPARD: Chauncey Sheppard.

4 JUROR CULBREATH: Naomi Culbreath.

5 THE COURT: Thank you very much. Ladies and
6 gentlemen, since you have been chosen in this particular
7 case, it's now necessary that we administer an oath to
8 you that you will truly try the issues before you and
9 render a true and correct verdict. So if you would
10 please stand, and Ms. Collett, if you'll please raise
11 your right hand.

12 (Clerk swears jurors.)

13 THE COURT: Please be seated. Ladies and
14 gentlemen of the jury, I'm now going to explain to you
15 your duties as jurors.

16 (Court reads instructions.)

17 THE COURT: Ladies and gentlemen, at this point
18 in time it is 3:30, almost 3:40, it is going to take
19 longer than an hour and 20 minutes to give the closing
20 argument -- pardon me, the opening statement, so I really
21 moved through this trial in a hurry.

22 So what we're going to do today, consider this a
23 gift today, we're going to actually break early today and
24 we will start up tomorrow morning promptly at 9 with the
25 opening statements. At 9:00 in the morning, you all

1 don't to need to arrive until right at nine, before you
2 come to my courtroom, if you will please check in at the
3 jury assembly room so they can scan your badges. If you
4 forget to do it, you'll have an opportunity throughout
5 the day to check in. But at 9:00 if you will just gather
6 outside my courtroom. Remember the seat you're currently
7 seated in and take those same seats throughout the course
8 of the trial.

9 The other thing, wear layers because you never know
10 if it's hot or if it's going to be cold in here, so dress
11 as if you can -- in layers, as I indicated.

12 So with that, I wish you all a good evening and we
13 will see you all tomorrow morning promptly at 9:00.

14 JUROR STIGER-MONAHAN: Traditionally will be
15 ending at 5:00.

16 THE COURT: It will never be later than five,
17 so it will depend really on where we fall, if we're done
18 with a witness and I don't feel like it's worth it to put
19 on another witness, but it will never be later than 5:00,
20 so you can at least count on that.

21 Also, ladies and gentlemen, if you want to exit
22 through my office and get one of my business cards, that
23 way if someone needs to contact you an emergency purpose
24 while you're in my courtroom, they'll have my office
25 number to call and you can get one of those from my

1 bailiff.

2 JUROR STIGER-MONAHAN: I'm sorry. And then
3 Monday is Columbus Day, will the court be held on Monday?

4 THE COURT: Yes, the courthouse is open for
5 Columbus Day. Sorry about that for those of you that
6 were off work on Columbus Day.

7 Any other questions? All right. We'll see you all
8 tomorrow morning at 9:00. Thank you.

9 (JURORS EXCUSED.)

10 THE COURT: We are back on the record in case
11 number CJ-2008-7969, jurors are not present, however
12 juror Chauncey Sheppard is present. The other jurors
13 have been excused for the day. Counsel and their clients
14 are present.

15 Mr. Sheppard, I had just spoke to you in chambers
16 and you seemed upset about being a juror on this case and
17 indicated to me that earlier in the day that you were
18 under the impression that you were going to be paid by, I
19 think you said AT&T is where you're working?

20 JUROR SHEPPARD: Yes.

21 THE COURT: That you were going to be paid by
22 AT&T during your service here the next three weeks. And
23 you had indicated that at the end of that time, I think
24 October 21st or something were no longer going to be
25 employed, is that correct?

1 JUROR SHEPPARD: That's correct.

2 THE COURT: And what you had just told me in
3 chambers was that you have spoken to your supervisor,
4 whoever at AT&T, and they are telling you they are not
5 going to pay you while your on jury service?

6 JUROR SHEPPARD: That's correct. They say they
7 don't have to pay me due to my being laid off in a couple
8 of weeks. And also I was told that trials before we came
9 here in the assembly room, trials usually last two to
10 three days.

11 THE COURT: They normally do. This is a very
12 unusual circumstance.

13 JUROR SHEPPARD: That could work with, but not
14 three weeks.

15 THE COURT: Okay. I understand that. Counsel,
16 does anyone want to inquire of Mr. Sheppard about
17 anything?

18 Mr. Sheppard, due to -- I thought when we did not --
19 or I did not excuse you earlier, I thought you were going
20 to be paid for your service and I realized you weren't
21 going to be having a job, but now understanding that you
22 would not only not be paid for the next two weeks, but
23 you wouldn't have a paycheck for sometime because you're
24 looking for a job, I am going to excuse you from jury
25 service in this particular case.

1 So if I can get you to go back over to the jury
2 assembly room, I don't think they need any more jurors at
3 this point in time, but the jury clerk will let you if
4 your services are needed perhaps for a shorter trial.

5 JUROR SHEPPARD: Thank you.

6 THE COURT: Thank you very much. Thank you,
7 you're excused.

8 JUROR SHEPPARD: Thank you.

9 Court recessed for the day.

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1 STATE OF OKLAHOMA)

2) CERTIFICATE OF COURT REPORTER

3 COUNTY OF OKLAHOMA)

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7
8 I, Kim Lewin, Certified Shorthand Reporter, within
9 and for the State of Oklahoma, duly appointed and
10 qualified reporter in the District Court of Oklahoma
11 County, State of Oklahoma, do hereby certify that I took
12 down by machine shorthand the proceedings as described on
13 Page 1 herein, and the foregoing is a true, complete and
14 accurate transcript of my shorthand notes so taken of
15 said proceedings.

16 IN WITNESS WHEREOF, I hereunto set my hand and
17 official seal this 7th day of October, 2013.

18
19 _____
20 Kim Lewin, CSR
21
22
23
24
25